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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,568	03/22/2001	Isamu Terasaka	SCEI 3.0-059	4542

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EXAMINER

SELLERS, DANIEL R

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/814,568	<b>Applicant(s)</b> TERASAKA ET AL.	
	<b>Examiner</b> Daniel R. Sellers	<b>Art Unit</b> 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,9,10, and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,9,10, and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/28/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on November 29, 2002 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Arguments***

2. Applicant's arguments filed February 28, 2005 have been fully considered but they are not persuasive.

3. Regarding claims 1, 3-5, and 7-10 and the Shiels reference, Shiels teaches the branching information, which is inherently stored in one continuous stream (Col. 3, lines 13-16). Shiels teaches a CD-ROM source, wherein the information stored thereon is stored in a continuous stream. Shiels teaches branching information and a method of branching within the stream to provide an interactive entertainment experience. While Shiels teaches a preferred system, which needs sufficient time to call up the next video sequence, it is inherent that any branch within a stream of information requires sufficient time for searching and reading the information located at the branch location. Shiels teaches a method for masking a point of discontinuity in the second stream when a large amount of information (a new video sequence) is branched to (Col. 6, lines 2-8). However, it is inherent that CD-ROM's have finite seek times and that large amounts of data are to be read, but can inherently be alleviated with buffering, which is well-known in the art. Therefore Shiels method of waiting for interaction

from the user is another method of buffering and creating a continuous second stream.

***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 9, 10, and 13-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Owaki, U.S. Patent No. 5,745,474.

6. Regarding claims 1, 9 and 10, see Column 1, line 55 – Column 2, line 23 and Column 3, lines 13-28. Owaki teaches a stream reproducing apparatus with the features of reading out a first continuous stream data and reproducing a second different continuous stream. Owaki teaches the branch information for branching within the first continuous stream (Fig. 18 and 19). Owaki further teaches the processor for reproducing the second stream (Fig. 3).

7. Regarding the dependent claims 13-15, see the preceding argument with respect to claims 1, 9 and 10. Owaki teaches a second continuous stream that is different from the first continuous stream.

8. The original rejection in the prior action is included hereafter.

9. Claims 1, 3-5, 7-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shiels.

10. Regarding claim 1, see Shiels column 3, lines 13-16, column 3, line 66 – column 4, line 9, column 3, lines 50-55, column 5, lines 42-49, and column 6, lines 2-8. Shiels teaches a set-top box (STB), which has these features.

11. Regarding claim 3, the further limitation of claim 1, see Shiels column 7, lines 1-17. Shiels teaches a branching system that both interactively chooses a branch path or that chooses a branch path according to certain criteria. The system reads out the stream data as determined by the branch information according to the number of branches. In Shiels system, the users interaction is determined necessary when there is at least two branches available after the certain criteria is examined.

12. Regarding claim 4, the further limitation of claim 3, see Shiels column 7, lines 9-12. Shiels teaches that a branching instruction only executes when permitted.

13. Regarding claim 5, the further limitation of claim 1, see Shiels column 3, lines 13-16. Shiels teaches that a CD-ROM is used as the portable recording medium.

14. Regarding claim 7, the further limitation of claim 3, see the above rejection of claims 3 and 5. Shiels teaches a portable recording medium.

15. Regarding claim 9, see the above rejection of claim 1. Shiels teaches a method of reading and reproducing a stream according to branch instructions.

16. Regarding claim 10, see the above rejection of claims 1. The system of Shiels consists of a program, which performs the reading out of branch definition information, reading out stream data, and the reproduction of the stream data (Col. 4, lines 10-17). It is inherent in the art that the areas of memory taught by Shiels, specifically units 44, 48, 50, and 52 illustrated in Figure 5, can be physically contained in one memory.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Land et al., U.S. Patent No. 5,315,057, Coelho et al., U.S. Patent No. 5,748,196, Shishido et al., U.S. Patent No. 5,869,782, and Abrams et al., U.S. Patent No. 6,658,309.

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**